
1991 Wis Eth Bd 9
LOBBYING LAW AND LOBBYISTS - PROHIBITED PRACTICES;
STATEMENTS OF ECONOMIC INTERESTS

The lobbying law does not prohibit a lobbying principal from awarding a scholarship to the child of an elected state official as long as the scholarship is available to the general public. The scholarship should be reported as a gift on the official's Statement of Economic Interests. Eth. Bd. 684

July 2, 1991

Fact

[1] This opinion is based upon this understanding:

An entity that is a registered principal under the lobbying law proposes to award a scholarship to the dependent child of an elected state official.

Questions

[2] The State of Wisconsin Ethics Board understands your questions to be:

1. Does the lobbying law permit an organization that employs a lobbyist to award a scholarship to the dependent child of an elected state official?
2. If so, how must the scholarship be reported, if at all, on the official's statement of economic interests?

Discussion

[3] Section 13.625, *Wisconsin Statutes*, provides generally that no principal may furnish anything of pecuniary value to and no elected state official may accept anything of pecuniary value from the other. Absent other factors not apparent in this case, a scholarship to a dependent child is a thing of pecuniary value to the official upon whom the child is financially dependent. However, § 13.625(2) and (3), provides that the general restriction does not apply to the principal's furnishing an item that is also made available to the general public.

[4] In the Ethics Board's view, the scholarship about which you ask in this instance would meet the test of availability to the general public if:

1. it is available to any student who wants it and who meets the criteria for eligibility;
2. the criteria are:
 - (a) established, readily available and objective and

- (b) drawn and applied without the purpose or effect of giving a preference to or conferring an advantage upon an agency official, legislative employee, or elective state official; and
- 3. there is no offer or notice of availability directed to an agency official, legislative employee, or elective state official with the effect of conferring an advantage not also given the others who meet the criteria.

[5] If the award of the scholarship meets these criteria, then it may be given to the official's child. For example, if scholarship recipients were selected by the school administration, the award would meet the test. On the other hand, if a lobbyist's employer selected the child in the absence of established, objective, and identifiable criteria or if the child's relationship to an elected official entered into the selection process, the scholarship should not be awarded.

[6] If the scholarship may be accepted, then the official should report the scholarship as a gift in Schedule D of the Statement of Economic Interests.

Advice

[7] The Ethics Board advises that a principal award a scholarship to the child of an elected state official only if the scholarship is available to the general public. The official should report the receipt of the scholarship as a gift on the Statement of Economic Interests.